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CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

April 22, 2003

Date

  
Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe and Sophia Ran

Serial No.: 09/351,862

Group Art Unit: 1617

Filed: July 12, 1999

Examiner: Sharareh, S.

For: Cancer Treatment Kits Using Antibodies  
to Aminophospholipids

Atty. Dkt. No.: 4001.002282

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**BOX AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed October 22, 2002, finally rejecting claims 1, 3-12, 16, 19-29, 34, 35 and 39-43.

The fee for filing this Notice of Appeal is \$160 and is attached hereto. Applicants respectfully request a refund of the \$160 fee for filing the Notice of Appeal, which should not be necessary as Official Action of October 22, 2002 is prematurely final. To secure the refund, Applicants concurrently submit a formal Request to Withdraw the Finality of the Third Office Action under MPEP 706.07(d).

A request for a three-month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This three-month extension will bring the due date to April 22, 2003. A refund of the extension fee is not requested. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4001.002282.

Respectfully submitted,



PATENT TRADEMARK OFFICE

  
Shelley P.M. Fussey, Ph.D.  
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Date: April 22, 2003